

BINGHAM MCCUTCHEN LLP  
TRENTON H. NORRIS (SBN 164781)  
THOMAS S. HIXSON (SBN 193033)  
MAZEN M. BASRAWI (SBN 235475)  
ERICA BRAND PORTNOY (SBN 244923)  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
Telephone: 415.393.2000  
Facsimile: 415.393.2286  
Email: trent.norris@bingham.com  
thomas.hixson@bingham.com  
mazen.basrawi@bingham.com  
erica.brand@bingham.com

DOLL AMIR & ELEY LLP  
GREGORY L. DOLL (SBN 193205)  
HUNTER R. ELEY (SBN 224321)  
1888 Century Park East, Suite 1106  
Los Angeles, CA 90067  
Telephone: 310.557.9100  
Facsimile: 310.557.9101  
Email: gdoll@dollamir.com  
heley@dollamir.com

Attorneys for Plaintiff  
JONATHAN BROWNING, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JONATHAN BROWNING, INC., a California  
corporation,

Plaintiff,

v.

VENETIAN CASINO RESORT, LLC., a Nevada  
limited liability company; LAS VEGAS SANDS,  
LLC., a Nevada limited liability company; LAS  
VEGAS SANDS CORP., a Nevada corporation;  
and DOES 1 through 100, inclusive,

Defendants.

No. C 07-3983 JSW

**DECLARATION OF MARCO  
HEITHAUS IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION TO  
DISMISS**

Date: November 9, 2007  
Time: 9:00 a.m.  
Place: Courtroom 2, 17th Floor  
Judge: Honorable Jeffrey S. White

1 I, Marco Heithaus declare:

2 1. I am one of the co-owners of Jonathan Browning, Inc., the Plaintiff in this  
3 action. I have personal knowledge of the facts set forth in this declaration, and if called to  
4 testify, I could and would competently testify to them.

5 2. On or about July 10, 2007, Jonathan Browning delivered to the Copyright  
6 Office the deposit, application, and fee required for registration of the Trianon and Ledoux  
7 sconces designed by Jonathan Browning for Jonathan Browning, Inc.

8 3. Registration of the designs of the Trianon and Ledoux sconces was  
9 refused in letters dated July 18 and August 1, 2007 from Examiner Cynthia Hutchins of the  
10 Copyright Office. I received these letters prior to the filing of the Complaint in this matter.

11 4. On April 19, 2006, I received a fax in our San Francisco office from  
12 Aileen Pauco, Buyer for the Venetian Resort Hotel and Casino. A true and correct copy of the  
13 fax cover page from Aileen Pauco addressed to me, Marco Heithaus, dated April 19, 2006, is  
14 attached hereto as **Exhibit A**.

15 I swear under penalty of perjury under the laws of the United States that the  
16 foregoing is true and correct and that this declaration was signed in San Francisco, California on  
17 October 3, 2007.

18  
19 /s/ Marco Heithaus  
20 Marco Heithaus  
21  
22  
23  
24  
25  
26  
27  
28